APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,665	08/01/2003	Ziv Haparnas	1005-37-01 USP	3547

42698 7590 04/02/2007 FARSHAD JASON FARHADIAN CENTURY IP LAW GROUP P.O. BOX 7333 NEWPORT BEACH, CA 92658-7333	EXAMINER CHEN, SHIN HON

ART UNIT	PAPER NUMBER
2131	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/632,665	HAPARNAS ET AL.
	Examiner	Art Unit	
	Shin-Hon Chen	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>18 January 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 August 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)	5) ☐ Notice of Informal Patent Application
Paper No(s)/Mail Date <u>7/10/06, 12/23/03</u>.	6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-53 have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-15 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sugikawa

et al. U.S. Pub. No. 20040203384 (hereinafter Sugikawa).

As per claim 1, Sugikawa discloses a method comprising: storing in a processing device a first

short-range radio address associated with a cellular device, wherein the processing device

manages authentication and identification of messages communicated to a cellular device

independent from a communication protocol used to communicate the messages (Sugikawa:

[0105]-[0110]: authentication protocol is utilized before the link is established for data

communication); obtaining an authentication message in the processing device (Sugikawa:

[0108]-[0109]: generating the random number); storing a second short-range radio address in the

cellular device (Sugikawa: [0108]-[0109]: the portable device with bluetooth address), wherein

the first short-range radio address and the second short-range radio address are the same

(Sugikawa: [0109]: the Bluetooth addresses are the same); calculating a first message digest

responsive to the authentication message and first short-range radio address (Sugikawa: [0109]

and [0211]: MD5); transmitting, by a cellular network coupled to the processing device, a

cellular message including the authentication message and the first message digest to the cellular

device (Sugikawa: [0109]-[0110]: mutual authentication); receiving the cellular message, by the

cellular device; calculating a second message digest responsive to the authentication message

and the second short-range radio address; and, comparing, by the cellular device, the first

message digest to a second message digest to authenticate the cellular message (Sugikawa:

[0109]: compare the SRES).

4.   As per claim 2, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the authentication message is randomly calculated (Sugikawa: [0107]-[0108]: the

random number is generated).

5.   As per claim 3, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the first message digest is a 128-bit value calculated by a one-way hash software

component (Sugikawa: [0108] and [0211: the message digest is computed using the bluetooth

address of the device).

6.   As per claim 4, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the one-way hash software component is a MD5 software component (Sugikawa:

[0211]: MD5 is standard for OBEX).

7.   As per claim 5, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the first and second short-range radio addresses are a Bluetooth address (Sugikawa:

[0108]).

8.   As per claim 6, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the cellular device includes a short-range radio transceiver (Sugikawa: [0108]-[0110]:

short range radio communication).

9.   As per claim 7, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the cellular device is in a short-distance wireless network (Sugikawa: [0108]).

10.   As per claim 8, Sugikawa discloses the method of claim 1. Sugikawa further discloses

wherein the short-distance wireless network is a Bluetooth wireless network (Sugikawa: [0004]-

[0008]).

11.   As per claim 9, Sugikawa discloses the method of claim 7. Sugikawa does not explicitly

disclose wherein the short-distance wireless network is an 802.11 wireless local area network

(Sugikawa: [0003]-[0008]). However, one with ordinary skill in the art would understand that

same authentication method can be applied in 802.11 wireless LAN because both are well known

protocol for short range wireless network.

12.   As per claim 10, Sugikawa discloses the method of claim 1. Sugikawa further discloses wherein the first and second short-range radio addresses are 48-bit values (Sugikawa: [0108]: the bluetooth address has 48 bits).

13.   As per claim 11, Sugikawa discloses the method of claim 1. Sugikawa further discloses wherein the cellular device is a cellular telephone (Sugikawa: [0005]: portable terminals can be cell phone).

14.   As per claim 12, Sugikawa discloses the method of claim 1, wherein the processing device is a server (Sugikawa: [0108]).

15.   As per claim 13, Sugikawa discloses method for authenticating a message communicated over a communication network, the method comprising the steps of: storing a first short-range radio address, for a cellular device, in a processing device wherein the processing device manages authentication and identification of messages communicated to a cellular device independent from a communication protocol used to communicate the messages (Sugikawa: [0105]-[0110]); obtaining an authentication message in the processing device (Sugikawa: [0108]-[0109]: generating the random number); storing a second short-range radio address in the cellular device, wherein the first short-range radio address and the second short-range radio address are the same (Sugikawa: [0108]-[0109]: the portable device with bluetooth address); calculating, by the processing device, a first message digest responsive to the authentication message and first short-range radio address; transmitting, by a cellular network coupled to the processing device, a

cellular message including the authentication message to the cellular device (Sugikawa: [0109] and [0211]: MD5); receiving the cellular message, by the cellular device; calculating a second message digest responsive to the authentication message and the second short-range radio address; transmitting, by the cellular device, the second message digest; and, comparing, by the processing device, the first message digest to a second message digest to authenticate the cellular message (Sugikawa: [0108]-[0109]).

16.   As per claim 14, Sugikawa discloses a method comprising; storing a first short-range radio in a cellular device; storing a second short-range radio addresses in a processing device, wherein the first short-range radio address and the second short-range radio address are the same (Sugikawa: [0107]-[0109]); encrypting a cellular message, by the processing device, using the second short-range radio address (Sugikawa: [0105] and [0107]: the LMP_au_rand is transmitted from the master to slave encrypted with unit key as well known in the art and the unit key is generated from bluetooth address); transmitting the encrypted cellular message to the cellular device; and decrypting the encrypted cellular message, by the cellular device, using the first short-range radio address (Sugikawa: [0108]: the slave device receives the LMP_au_rand and decrypts it use the unit key).

17.   As per claim 15, Sugikawa discloses a method comprising; storing a first short-range radio in a cellular device; storing a second short-range radio addresses in a processing device which is independent of communication protocol, wherein the first short-range radio address and the second short-range radio address are the same (Sugikawa: [0107]-[0109]); encrypting a

cellular message, by the cellular device, using the first short-range radio address; transmitting the

encrypted cellular message to the processing device; and decrypting the encrypted cellular

message, by the processing device, using the second short-range radio address (Sugikawa:

[0107]-[0109]: the role of slave and master can be interchanged).

18.   Claims 16-27 and 29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Morimoto U.S. Pub. No. 20040203372 hereinafter (Morimoto).

19.   As per claim 16, Morimoto discloses a method for identifying a cellular device,

comprising the steps of: receiving, by the cellular device, a first cellular message requesting a

cellular device identifier; reading, by the cellular device, a first short-range radio address from

the device; transmitting, by the cellular device, a second cellular message including the first

short-range radio address (Morimoto: [0040]-[0041]); storing a second short-range radio address

in a processing device which is independent of communication protocol; and, comparing the first

short-range radio address to the second short-range radio address to identify the cellular device

(Morimoto: [0041]).

20.   As per claim 17, Morimoto discloses the method of claim 16. Hue further discloses

wherein the first and second short-range radio addresses are Bluetooth addresses (Morimoto:

[0041]).

21.   As per claim 18, Morimoto discloses the method of claim 16. Hue further discloses wherein the cellular device includes a short-range radio transceiver (Morimoto: [0041]).

22.   As per claim 19, Morimoto discloses the method of claim 16. Hue further discloses wherein the cellular device is in a short-distance wireless network (Morimoto: [0041]).

23.   As per claim 20, Morimoto discloses the method of claim 19. Hue further discloses wherein the short-distance wireless network is a Bluetooth wireless network (Morimoto: [0041]).

24.   As per claim 21, Morimoto discloses the method of claim 16. Hue does not explicitly disclose wherein the short-distance wireless network is an 802.11 wireless local area network (Morimoto: [0041]). However, one with ordinary skill in the art would understand that 802.11 can also be used because Bluetooth and 802.11 are well known standards in wireless short range network.

25.   As per claim 22, Morimoto discloses the method of claim 16. Morimoto further discloses wherein the reading step includes executing a host controller command (Morimoto: [0040]: standard procedure for reading BD_ADDR).

26.   As per claim 23, Morimoto discloses the method of claim 22. Morimoto further discloses wherein the host controller command is HCI_Read_BD_ADDR and the short-range radio address is BD_ADDR (Morimoto: [0040]).

27.   As per claim 24, Morimoto discloses the method of claim 16. Morimoto further discloses

wherein the first and second short-range radio addresses are 48-bit values (Morimoto: [0040]-

[0041]: Bluetooth address comprises 48 bits).

28.   As per claim 25, Morimoto discloses the method of claim 16. Morimoto further discloses

wherein the cellular device is a cellular telephone (Morimoto: [0040]: portable phone).

29.   As per claim 26, Morimoto discloses the method of claim 16. Morimoto further discloses

receiving a third cellular message responsive to the second cellular message (Morimoto: [0051]:

confirming authentication).

30.   As per claim 27, Morimoto discloses the method of claim 26. Morimoto further discloses

wherein the first, second and third cellular messages are generated by a cellular network coupled

to a processing device storing the second short-range radio address corresponding to the cellular

device (Morimoto: [0040]-[0041]: the cellular network).

31.   As per claim 29, Morimoto discloses a method for identifying a cellular device

comprising the steps of: receiving, by the cellular device, a first cellular message having a first

short-range radio address (Morimoto: [0040]-[0041]); reading a second short-range radio address

from the cellular device; comparing, by the cellular device, the first short-range radio address

with the second short-range radio address; and, transmitting a second cellular message

responsive to the comparing step (Morimoto: [0040]-[0041]).

Claim Rejections - 35 USC § 103

32.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

33.   Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto in

view of Chen U.S. Pub. No. 20040203950 (hereinafter Chen)

34.   As per claim 28, Morimoto discloses the method of claim 16. Morimoto does not

explicitly disclose wherein the first, second and third cellular messages are in a Global System

for Mobile communications ("GSM") protocol. However, Chen discloses transmitting SMS

message command to obtain Bluetooth address of controlled devices (Chen: [0017]). It would

have been obvious to one having ordinary skill in the art to transmit the cellular message in GSM

network because the processing device is capable of transmitting the message in GSM network.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of

applicant's invention to combine the teachings of Chen within the system of Morimoto because it

provides remote control on Bluetooth capable devices.

35.   As per claim 30-53, claims 30-53 encompass the same scope as claims 1-29. Therefore,

claim 30-53 are rejected based on reasons set forth above in rejecting claims 1-29.

Response to Arguments

36.   Applicant's arguments filed on 1/18/07 have been fully considered but they are not

persuasive.

Regarding applicant's remarks, applicant argues that the prior art of record does not

disclose a processing device that manages authentication and identification of messages

communicated to a cellular device independent from a communication protocol used to

communicate the messages. However, Sugikawa discloses that the authentication protocol is

completed before the communication protocol can take place to ensure security (Sugikawa:

[0105]-[0110]). Therefore, Sugikawa discloses two independent protocols used for

communication and applicant's argument is respectfully traversed.

Conclusion

37.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Hue et al. U.S. Pub. No. 20020126846 discloses method for performing short-range

wireless transactions between an hybrid wireless terminal and a service terminal over an

interface for short-range wireless access and corresponding service terminal.

38.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The

examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the

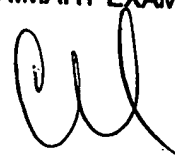organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shin-Hon Chen
Examiner
Art Unit 2131

SC

CHRISTOPHER REVAK
PRIMARY EXAMINER